

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|   |                       |                                |
|---|-----------------------|--------------------------------|
| De Lage Landen Financial Services, Inc.       | :                     |                                |
|   | :                     |                                |
|   | Plaintiff,            | CIVIL ACTION NO. 02-CV-2810    |
| v.  | :                     |                                |
|   | :                     | Honorable Ronald L. Buckwalter |
| Toshiba America Medical Systems, Inc.         | :                     |                                |
|   | :                     |                                |
|   | Intervenor Plaintiff, | :                              |
|   | :                     |                                |
| v.  | :                     |                                |
|   | :                     |                                |
| DeSoto Diagnostic Imaging, LLC., Randon J.    | :                     |                                |
| Carvel, Lynn T. Carvel, Delta Radiology, P.C. | :                     |                                |
| and Zobar Properties, LLC.                    | :                     |                                |
|   | :                     |                                |
|   | Defendants,           | :                              |

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**ANSWER TO MOTION TO SEAL DeSOTO'S TAX RETURN**

Plaintiff by its undersigned attorneys hereby responds to the Motion to Seal DeSoto's Tax Return as follows:

1. Plaintiff has no objection to the filing of DeSoto's tax return under seal.
2. Plaintiff takes exception to assertions made in Defendants motion with respect to Plaintiffs position.
3. Attached find counsel's letter of April 30, 2004 which asserted that DeSoto's tax returns which had been marked as confidential were attached as exhibits to DLL's recent Motion for Summary Judgment. I wrote back to Mr. Tate informing him that DLL had not attached the tax return as an exhibit to its Motion for Summary Judgment and pointed out that the existing Confidentiality Order provides for filing of documents under seal.

From my letter, a copy of which is attached, Defendants infer that Plaintiff is “irresponsibly” “insisting that such material remain public”. There is no basis for such an assertion.

In any event, Plaintiff has no objection to the filing of the tax return under seal, nor does it have any objection to filing of other documents under seal in accordance with the provisions of the Confidentiality Order entered by the parties.

Respectfully submitted:

**McCARTER & ENGLISH, LLP**

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Attorneys for Plaintiff  
De Lage Landen Financial Service

Dated: May 14, 2004

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|   |   |                             |
|---|---|-----------------------------|
| De Lage Landen Financial Services, Inc.       | : |                             |
|   | : | CIVIL ACTION NO. 02-CV-2810 |
| Plaintiff                                     | : |                             |
| and   | : | HON. RONALD L. BUCKWALTER   |
|   | : |                             |
| Toshiba America Medical Systems, Inc.         | : |                             |
|   | : |                             |
| Intervenor Plaintiff                          | : |                             |
|   | : |                             |
| vs.   | : |                             |
|   | : |                             |
| DeSoto Diagnostic Imaging, LLC., Randon J.    | : |                             |
| Carvel, Lynn T. Carvel, Delta Radiology, P.C. | : |                             |
| and Zobar Properties, LLC.                    | : |                             |
| Defendants                                    | : |                             |
|   | : |                             |

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**CERTIFICATE OF SERVICE**

I, Peter J. Boyer, Esquire, hereby certify that on May 14, 2004, I caused a true copy of the foregoing Plaintiff's Answer to Motion to Seal DeSoto's Tax Return to be served upon the following counsel in this action:

John Chesney, Esquire  
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**PETER J. BOYER**